

U.S. Department of Energy
Washington D.C.

ORDER

DOE 1220.1A

4-9-92

SUBJECT: CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS

1. PURPOSE. To prescribe and establish policies, responsibilities and procedures for: a) the management and coordination of congressional and intergovernmental affairs activities within a centralized system of the Department of Energy (DOE); and b) carrying out the non-legal functions and processes involving the development, preparation, coordination, and clearance of all proposals contained in the DOE legislative program.
2. CANCELLATION. DOE 1220.1, CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS,
3. SCOPE. The provisions of this Order apply to all elements of the Department of Energy and to contractors performing work for the Department as provided by law and/or contract.
4. REFERENCES.
 - a. The provisions of the "Atomic Energy Act of 1954," for DOE access authorization.
 - b. "Intergovernmental Review of Department of Energy Programs and Activities and Financial Assistance Rules; Final Rule and Program Activities subject to Executive Order 12372 as implemented by 10 CFR Part 1005."
 - c. DOE 5631 .2B, PERSONNEL SECURITY PROGRAM, of 5-18-88, which establishes the policy, responsibilities, and authorities for implementing the DOE personnel security program.
 - d. DOE 5631.4, CONTROL OF CLASSIFIED VISITS, of 5-25-84, which prescribes DOE standards and procedures for controlling visitors to DOE, DOE contractor, subcontractor, and access permittee facilities.
 - e. DOE 5634. 1A, FACILITY APPROVAL, SECURITY SURVEYS, AND NUCLEAR MATERIAL SURVEYS, of 2-3-88, which establishes requirements for granting facility approvals prior to permitting safeguards and security interests on the premises and the conduct of on-site security and/or nuclear material surveys of facilities with safeguards and security interests.

DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Assistant Secretary for
Congressional and
Intergovernmental Affairs

5. EXCEPTIONS.

- a. The Congressional liaison activities associated with the yearly budget Appropriations Committees which are carried out by the Chief Financial Officer.
- b. The Congressional and intergovernmental activities associated with the Naval Nuclear Propulsion Program.
- c. The Office of Emergency Planning and Operations' activities associated with the operational aspects of energy emergencies relating to national disasters.

6. DEFINITIONS.

- a. Members of Congress and Staff. Senators, Representatives, their personal staffs, Committee and Subcommittee staffs.
- b. State, Local, Indian and Territorial Governments (Intergovernmental Groups). State and local governments in the 50 states and all cities, counties, and municipalities, including the District of Columbia; territorial governments including the Virgin Islands; commonwealth governments including Puerto Rico and the Northern Mariana Islands; ruling bodies of any American Indian Tribe that has the political status of a general purpose local government, largely free of State authority, with a direct relationship to the Federal Government.
- c. Intergovernmental Entities, Regional and Public Interest Groups. National, regional, and state organizations representing State, local, territorial, and Indian governments and elected officials (e. g., National Governors' Association, National Conference of State Legislatures, Council of State Governments, National League of Cities, United States Conference of Mayors, National Association of Counties, Pacific Basin Development Council, Council of Energy Resources Tribes, National Congress of American Indians).
- d. Consumer and Energy Organizations. Consumer/citizen organizations, civic groups, business/industry, educational organizations and institutions, and all other energy oriented and environmental interest groups that represent energy interests.
- e. Legislative Matters. Include, but are not limited to: DOE legislative proposals; views on legislation; written comments on bills pending in Congress; and testimony before congressional committees, including witness statements, transcripts, and answers to questions received from Congress in connection with hearings; and all meetings, briefings for Members of Congress and their staffs.

- f. Significant interaction. Any subject, policy or program issues which generates interest by Members of Congress and their staffs. Governors or representatives of national public interest groups.
- g. Field Elements. For the purposes of this Order, Field Elements are defined as all Departmental components located outside the Metropolitan Washington area.

7. POLICIES.

- a. Provide and maintain a continuing liaison between the Department and the Congress.
- b. Respond to the Nation's national security and energy needs on a proactive basis with the Congress.
- c. Ensure that the essential role of programs and policies in the Department's overall mission are fully recognized and properly presented to Congress, State and local governments, and public interest groups.
- d. Ensure that State, local, territorial, and Indian governments are provided an opportunity to participate in the development of national energy and energy-related policies and programs, and particularly in those policies and programs which directly affect them.
- e. Assure that Departmental decisions are based on a sound understanding of the concerns of Members of Congress, State, local, territorial, and Indian governments.
- f. Seek public participation to the extent allowable in pending policy and planning issues which are substantial and which can have major impacts on the public.
- g. Have a single, coordinated position with respect to testimony, bills introduced in Congress, and each legislative proposal originating in, or submitted to DOE for comment.
- h. Ensure that no legislative proposals, comments on bills, or testimony are submitted to the Office of Management and Budget, or to the Congress, without prior coordination with and concurrence of the Office of Congressional and Intergovernmental Affairs, the Office of General Counsel, the Office of the Assistant Secretary for Domestic and International Energy Policy, and the Office of the Secretary.

8. RESPONSIBILITIES AND AUTHORITIES.a. Assistant Secretary for Congressional and InterGovernmental Affairs (CP-1).

- (1) Serves as the Department's point of contact with the Congress and provides liaison with Members of Congress and their staffs, with staffs of Committees and subcommittees.
- (2) Provides policy guidance to all Departmental Elements concerning the Department's relationships with Members of Congress, their staffs, State, local, territorial, and Indian governments, business/industry, consumer, and related public interest groups.
- (3) Advises the Secretary and the Deputy and Under Secretaries and Program Secretarial Officers (PSOs) on the activities of the Congress regarding all legislative initiatives and activities by Members of Congress, their staffs, Committees and Subcommittees.
- (4) Advises the Secretary and the Deputy and Under Secretaries and PSOs on the effects of existing and proposed national energy policies on State, local, territorial, and Indian governments and the regional and public interest groups which represent them and their energy activities and policy positions.
- (5) Coordinates with all Departmental elements on Departmental responses to Members of Congress, State, local, territorial, and Indian governments and their regional and public interest groups; and on responses to energy policy-related letters and inquiries from Members of Congress, State, local, territorial, and Indian governments.
- (6) On behalf of the Secretary, coordinates and facilitates meetings and briefings with Members of Congress, Governors and national public interest group representatives.
- (7) Provides advance contract/grant notification to Members of Congress and State and local officials.
- (8) Designates, in coordination with S-1, Departmental witnesses at congressional hearings or when Congressional Committees request testimony at hearings or on pending legislation.
- (9) Serves as the DOE point of contact and directs the preparation of testimony for Committees/Subconunittees; manages the internal and external coordination and clearance process, and delivery of testimony, transcripts, answers to questions, and inserts for the record.

- (10) Provides comments and/or concurrences to the PSOs on all legislatively mandated reports to be submitted to the Congress.
 - (11) Serves as the principal point of contact with the White House Offices of Legislative Affairs and Intergovernmental Affairs.
 - (12) Coordinates all congressional visits to DOE facilities.
- b. Deputy Assistant Secretary for House Liaison (CP-40) and Deputy Assistant Secretary for Senate Liaison (CP-50).
- (1) Serve as the central point of contact for Members of Congress and their staffs concerning Departmental interests.
 - (2) Ensure that a legislative program specialist is assigned to each program to provide liaison activities between CP-1 and the Program offices and is available to accompany Departmental officials to hearings/ briefings/meetings on the Hill.
 - (3) Counsel and advise PSOs on the legislative implications of major Departmental programs and policies.
 - (4) Counsel and advise PSOs and their staffs on relationships with the leadership, (Members of Congress, Committees, and Committee staffs of the House of Representatives and the United States Senate).
 - (5) Communicate Departmental policy and program decisions to Members of Congress and their staffs and provides staff coverage to attend Congressional hearings and/or markups.
 - (6) Review all congressional correspondence and coordinate information, and technical assistance provided to congressional authorization/oversight Committees, Members of Congress, and their staffs for each program organization.
 - (7) Inform the PSOs and the Executive Secretariat immediately following a hearing of all commitments made during a hearing which require materials, reports, or additional information to be supplied in order to ensure appropriate tracking and completion of delivery to the Committee and/or Subcommittee.

c. Deputy Assistant Secretary for Intergovernmental and Public Liaison (CP-30).

- (1) Serves as the central point of contact for State, local, territorial, and Indian governments and regional and public interest groups on energy matters relating to intergovernmental activities.
- (2) Provides advice and assistance to Secretary and the Deputy and Under Secretaries and PSOs on intergovernmental aspects of policies, programs, regulations, and projects.
- (3) Provides policy coordination and manages oversight functions for the Department under Executive Order 12372 on "Intergovernmental Review of Federal Programs."
- (4) Provides advice and assistance to Secretary and the Deputy and Under Secretaries and PSOs regarding outreach and coordination with consumer and civic organizations, business/industry, educational institutions, and all public interests groups representing these organizations or State and local governments, territorial and Indian governments.
- (5) Communicates Departmental and Administration policies and program decisions to State, local, territorial, and Indian elected officials and provides staff coverage to attend external interest group meetings.

d. The General Counsel (GC-1).

- (1) Determines the relationship of the DOE position on legislative matters to that of the Executive Branch as a whole.
- (2) Drafts legislation.
- (3) Expedites the processing of reports on bills that are identified as likely subjects of congressional action.
- (4) By September 1 of each year, shall request PSOs to submit a list of laws, or provisions of law, that will expire during the following two years.
- (5) Provides counsel on potential conflicts between proposed policies and regulations of the Department and existing State, local, territorial, and Indian governments' energy plans and legislation.

(6) Shall obtain necessary internal and external coordination on DOE and other agency legislative proposals and comments on pending legislation and legislative testimony by other agencies.

e. The Assistant Secretary for Domestic and International Energy Policy (EP-1).

(1) Assures that the DOE legislative program and position on other legislative matters reflect the national energy policy and its future direction as set forth by the Secretary of Energy and the National Energy Strategy.

(2) Provides comments and concurrence to the Assistant Secretary for Congressional and Intergovernmental Affairs on legislative proposals and testimony that involve significant policy and program issues.

f. Chief Financial Officer (CR-1).

(1) Serves as the principal point of contact within the Department for all appropriations matters, and is responsible for liaison with the staffs of the Appropriations Committees and Subcommittees.

(2) Manages appropriations matters; coordinates with the Assistant Secretary for Congressional and Intergovernmental Affairs on budget and appropriations matters; and consults with CP-1 on all budget amendments, reprogramming and any other communications with Congressional Appropriations Committees.

(3) Directs the preparation of budget testimony for Appropriations Subcommittees; manages the necessary internal and external coordination and clearance of that testimony; and, for appropriations hearings, briefs witnesses and manages the preparation of the official hearing record, including answers to questions and inserts promised for the record.

(4) Drafts appropriations testimony for the Secretary, Deputy Secretary, and Under Secretary, and obtains all necessary clearances.

(5) Validates cost and budget data in connection with legislative proposals, comments on legislation, and testimony.

(6) Assures that funds are budgeted for major legislative initiatives.

g. The Director, Office of Security Affairs (SA-1)

- (1) Processes Members of Congress and their staffs for DOE access authorization in accordance with the provisions of the Atomic Energy Act of 1954, and DOE 5631.2B.
- (2) Processes Members of Congress and their staffs for classified visit/access approval to DOE facilities in accordance with the provisions of DOE 5631.4.
- (3) Processes Congressional offices for security approval to receive, store, use, reproduce, and destroy DOE classified data in accordance with the provisions of DOE **5634.1A**.

h. The Director of Procurement and Assistance Management (PR-1)

shall exercise management oversight by ensuring that advance notification using DOE F 4220.10 (11-90) is provided to the Office of the Assistant Secretary for Congressional and Intergovernmental Affairs (CP) 48 hours prior to public announcement or notifying the recipient of any new or modified award (funding action) with a value of \$50,000 or more for a grant, and \$500,000 or more for a contract. If the proposed award is for \$1,000,000 or more and negotiations with the recipient are necessary prior to the award, CP must be notified 48 hours prior to public announcement or notification to the recipient of its selection for negotiations. Advance notification to CP should be faxed or hand-carried to:

Contract Notification Coordinator, CP-12
Office of the Assistant Secretary for
Congressional and Intergovernmental Affairs
U.S. Department of Energy
Room 8E-082, Forrestal Building
1000 Independence Ave., SW
Washington, D.C. 20585

i. The Executive Secretariat (AD-30).

- (1) Monitors suspense dates and ensures followup and completion for all information/materials that are required following a hearing.
- (2) Provides a daily report to the Assistant Secretary for Congressional and Intergovernmental Affairs regarding all critical correspondence received from Members of Congress, State, local, territorial, and American Indian officials.

j. Secretarial Officers.

- (1) Inform the Assistant Secretary for Congressional and Intergovernmental Affairs regarding all contacts with Members of Congress, or their staffs, Governors, and national public interest groups about meetings, briefings, or similar levels of interaction. Inform the Chief Financial Officer of any such contact from Members and staffs of Appropriations Committees and Subcommittees.
- (2) Secretarial Officers shall, with the assistance of the Deputy Assistant Secretary for Intergovernmental and Public Liaison and the General Counsel, determine which programs, policies, and regulations impact significantly upon State, local, territorial, and American Indian governments in order to assure their participation in the development and promulgation of these Departmental actions.
- (3) Coordinate all meetings/briefings with State, local, territorial, and American Indian officials with the Deputy Assistant Secretary for Intergovernmental and Public Liaison.
- (4) Provide to the General Counsel a list of Federal laws, or provisions of law, that impact their respective programs that will expire during the following 2 years. The list shall set forth:
 - (a) The subject.
 - (b) A brief explanation.
 - (c) The date of expiration.
 - (d) The legal citation.
 - (e) A recommendation as to whether the law should be extended or permitted to expire, with reasons.
- (5) Prepare testimony, statements, and answers to questions to be presented to congressional committees as requested by the Assistant Secretary for Congressional and Intergovernmental Affairs.
- (6) Develop legislative proposals to further national energy policies and national security in their functional areas.
- (7) Coordinate with the Assistant Secretary for Congressional and Intergovernmental Affairs to ensure necessary notification of proposed meetings/briefings and to obtain

guidance whether a representative from the Office of Congressional and Intergovernmental Affairs should accompany staff when meeting with Members of Congress, their staffs, or representatives of intergovernmental groups.

- (8) Develop internal guidelines to ensure that due dates are met on information/materials that have to be provided to the Congress regarding hearings.

k. Heads of Field Elements.

- (1) Represent the Department in intergovernmental activities related to their programmatic, operational, and administrative responsibilities, keeping the Deputy Assistant Secretary for Intergovernmental and Public Liaison, and appropriate PSO, informed of routine developments and interactions on a timely basis.
- (2) Maintain direct communications on a regular basis with the Assistant Secretary for Congressional and Intergovernmental Affairs, with concurrent notification to the responsible PSO, to keep the Department informed of any significant interactions and unusual events which may have an impact on congressional and intergovernmental activities relating to their Field Elements.
- (3) Coordinate with the Deputy Assistant Secretary for Intergovernmental and Public Liaison, with concurrent notification to the responsible PSO, when organizing conferences, workshops, seminars and public hearings for State, local, territorial, and Indian government officials.
- (4) Coordinate with the Assistant Secretary for Congressional and Intergovernmental Affairs, with concurrent notification to the responsible PSO, to ensure necessary notification of proposed meetings/briefings and to obtain guidance whether a representative from the Office of Congressional and Intergovernmental Affairs should accompany staff when meeting with Members of Congress, their staffs, or representatives of intergovernmental groups.
- (5) When requested, prepare testimony, statements, and answers to questions for Congressional hearings, submitting them through the appropriate PSO, and ensure that established due dates are met.

(6) Provide advance contract/grant notification to the Office of the Assistant Secretary for Congressional and Intergovernmental Affairs for any of the actions covered in paragraph 8h.

9. PROCEDURES FOR CONGRESSIONAL HEARINGS.

- a. The Assistant Secretary for Congressional and Intergovernmental Affairs will issue standard operating procedures for congressional hearings.
- b. The Executive Secretariat will work with the Assistant Secretary for Congressional and Intergovernmental Affairs and the Chief Financial Officer to ensure timely coordination, clearance, and delivery of all necessary documents to appropriate or designated committees and/or subcommittees concerning any items that have been identified as necessary following a hearing.

BY ORDER OF THE SECRETARY OF ENERGY:

JOHN J. NETTLES, JR.
Director of Administration
and Human Resource Management

